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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/646,960

08/22/2003

Marc I. Zemel

A302

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46506

7590

08/03/2006

ANVIK CORPORATION

6 SKYLINE DRIVE

HAWTHORNE, NY 10532-2165

EXAMINER

KURTZ, BENJAMIN M

ART UNIT

PAPER NUMBER

1723

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/646,960

Applicant(s)

ZEMEL ET AL.

Examiner

Benjamin Kurtz

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-24 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 23 is objected to because of the following informalities: Claim 23 claims interior access means twice. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 24 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 24 is drawn to at least one microdischarge light source. The previous disclosure speaks to an array of microdischarge devices and never anticipates having only one microdischarge light source.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 23 appears to claim the canteen is supported from collapse by the emissive gas however the emissive gas is sealed within the

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microdischarge array according to claim 19. It is unclear if the lightweight outer wall is part of the canteen or the microdischarge array. For examination purposes the outer wall is assumed to be part of the canteen and to be supported from collapse by the contents of the canteen specifically the array and any water.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Ressler '768 and Cooper et al. US PG PUB 2004/0144733. Both Ressler and Cooper teach a system for treating a fluid comprising: a treatment chamber coupled to a fluid outlet and at least one microdischarge gas discharge light source that exposes a passing fluid to radiation.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ressler et al. US 5,626,768 in view of Eden et al. US 6,695,664 and Geusic et al.

US 6,579,803 and Benoit et al. US PGPUB 2004/0238344. Regarding claims 19 and 20, Ressler teaches a portable apparatus for personal water purification comprising: a water treatment chamber (32) having water input/output means (42,44), a sealed array filled with UV-emissive gas mounted in the treatment chamber in effective radiation proximity to the water, power means (18) connected to the array that performs the identical function as the battery disclosed herein in substantially the same way with substantially the same results that power is supplied to the array, and means (36,38) mounting the array inside the chamber to restrict flow channels to effective purifying range of such emission that performs the identical function in substantially the same way with substantially the same results as the central mounting support disclosed herein. Ressler does not teach the array being flexible, the gas being 1-2 atm or the emission range of 250-26- nm. Eden teaches a microdischarge array that is flexible (col. 5, lines 36-43). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the array of Eden because the array can conform to various shapes and flexibility enhances the portability (col. 5, lines 36-43). Geusic teaches a microdischarge device (502) filled with a filler gas at a pressure up to 1000 Torr (1.3 atm) (fig. 5A, col 4, lines 48-53). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a gas at 1-2 atmospheres because these gasses emit light in the wavelength below 468 nm and the pressure depends on the diameter of the hollow cathode (col. 4, lines 48-53). Benoit teaches a microdischarge array filled with XeI that emits at 253 nm (table 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made

to use XeI because it is advantageous to have a material that emits in the UV region for decomposing organic compounds entrained in a fluid (paragraph [0013], [0022]).

6. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ressler '768 in view of Eden '664 and Geusic '803 and Benoit '344 as applied to claims 19 and 20 above, and further in view of Lew et al. US 4,694,179 and Betterly US PGPUB 2005/0000913. Ressler '768 in view of Eden '664 and Geusic '803 and Benoit '344 teach the apparatus but do not teach the configuration of claim 21. Lew teaches a water purification apparatus configured as in-line with an input (14), spacer (7), filter (4), UV light source (2) in the chamber (5), spacer (6) and output (13) (fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Lew because the light source keeps the filter from clogging and the filter enhances the germicidal action of the light source (col. 3, lines 21-27). Ressler further teaches a separation assurance means (36) that performs the identical function of restricting the fluid flow to a channel adjacent to the array (34) in substantially the same way with substantially the same results as the spiral, chain or rod separators disclosed herein. The rod (36) threads a clamp (38) which clamps the array (34) against the base (40) thereby assuring the fluid flows through the central passage and then leaves by the outer passage, not bypassing the radiation treatment (col. 6, lines, 16-23). Betterly teaches a radiation source array (200) may be any number of shapes (paragraph [0027]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to configure the array as a spiral in view because any

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shape is suitable so long as adequate radiation energy is transmitted to the fluid in the fluid passageway (paragraph [0027]).

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ressler '768 in view of Eden '664 and Geusic '803 and Benoit '344 as applied to claims 20 and 21 above, and further in view of Reber et al. Patent No. 6,042,720 and Wekell Patent No. 4,816,149. Ressler '768 in view of Eden '664 and Geusic '803 and Benoit '344 disclose a water purification device with an interior access means, or entry port (42) that performs the identical function as the zippers disclosed herein in substantially the same way with substantially the same results that the interior of the chamber may be accessed but do not disclose an indicating cap, a filter or lightweight walls. The applicant discloses the prior art containing a collapsible water carrier in the specification (pg. 17, lines 5-7). Reber (720) teaches a water purification device having an indicator cap (120) (fig. 8, col. 6, lines 23-36). Wekell (149) teaches a water filtration system with a filter (26) and lightweight outer walls (fig. 1, col. 1, lines 57-61, col. 3, lines 4-6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus with the teachings of Reber (72) and Wekell (149) because the indicator cap of Reber (720) displays either an amount of time remaining in a disinfect cycle or a measure of quality of the fluid (col. 6, lines 32-36) and the filter of Wekell (149) filters out particles from the fluid (col. 4, lines 31-40) and the lightweight walls allow the container to be folded to occupy less volume (col. 5, lines 14-20).

***Response to Arguments***

8. Applicant's arguments filed 6/30/06 have been fully considered but they are not persuasive. The applicant argues that the Ressler reference teaches a permanently connected vessel. Ressler teaches the vessel (30) is attached by bolts (48), which may be disconnected and the vessel can then be moved to an alternate position and is therefore considered portable.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin Kurtz whose telephone number is 571-272-



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8211. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bk 7/18/2006

  
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